

## **§ 3273.17**

### **§ 3273.17 May BLM reassess the annual rent for my site license?**

Yes, we may reassess the rent for lands covered by the license beginning with the tenth year and every ten years after that.

### **§ 3273.18 Must all facility operators pay the annual site license rent?**

No, if you are a lessee siting a utilization facility on your own lease, or a unit operator siting a utilization facility on leases committed to the unit, you do not need to pay rent. Only a facility operator who is not also a lessee or unit operator must pay rent.

### **§ 3273.19 What are the bonding requirements for a site license?**

(a) For an electrical generation facility, the facility operator must submit a surety or personal bond for at least \$100,000, and which meets the requirements of subpart 3214. BLM may increase the required bond amount. See subparts 3214 and 3215 for additional details on bonding procedures.

(b) For a direct use facility, the facility operator must furnish BLM with a surety or personal bond that meets the requirements of subpart 3214 in an amount BLM will specify.

(c) The bond's terms must cover compliance with the requirements of 43 CFR 3200.4.

(d) Until you provide a bond and BLM approves it, do not start construction, testing, or anything else that would disturb the surface.

### **§ 3273.20 When will BLM release my bond?**

We will release your bond after you request it and we determine that you have:

(a) Reclaimed the land; including removing the utilization facility and all associated equipment; and

(b) Met all the requirements of 43 CFR 3200.4.

### **§ 3273.21 What are my obligations under the site license?**

As the facility operator, you:

(a) Must comply with the requirements of 43 CFR 3200.4;

(b) Are liable for all damages to the lands, property or resources of the United States caused by yourself, your

## **43 CFR Ch. II (10–1–06 Edition)**

employees, contractors or the contractors' employees;

(c) Must indemnify the United States against any liability for damages or injury to persons or property arising from the occupancy or use of the lands authorized under the site license; and

(d) Must remove all structures and restore any disturbed surface, when no longer needed for facility construction or operation. This applies to the utilization facility if you cannot operate the facility and you are not diligent in your efforts to return the facility to operation.

### **§ 3273.22 How long will my site license remain in effect?**

(a) The primary term is 30 years, with a preferential right to renew the license under terms and conditions set by BLM.

(b) If your lease on which the site license is located ends, you may apply for a facility permit under section 501 of FLPMA, 43 U.S.C. 1761, if your facility is on BLM-managed lands. Otherwise, you must get permission to continue using the surface for your facility from the surface management agency.

### **§ 3273.23 May I renew my site license?**

(a) You have a preferential right to renew your site license under terms and conditions we determine.

(b) If your site license is located on leased lands managed by the Department of Agriculture, we will consult with the Federal surface management agency and obtain concurrence prior to renewing your license. The agency may require additional license terms and conditions. If another federal agency manages the surface, we will consult with them before granting your renewal.

### **§ 3273.24 May BLM terminate my site license?**

Yes, by written order. To prevent termination, you will have 30 days after you receive the order to correct the violation, unless we determine the violation cannot be corrected within 30 days and you are diligently attempting to correct it. We may terminate your site license if you: